

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

HIRALDO JESUS INGLESIAS,)	
Plaintiff,)	Civil Action No. 7:14cv00379
)	
v.)	<u>ORDER</u>
)	
HAROLD CLARKE, et al.,)	By: Norman K. Moon
Defendants.)	United States District Judge

Plaintiff Hiraldo Jesus Inglesias, a Virginia inmate proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983. Defendants Clarke and Schilling filed a motion to dismiss Inglesias's complaint and the court issued a notice, pursuant to *Roseboro v. Garrison*, 528 F.2d 309, 310 (4th Cir. 2005), giving Inglesias twenty-one days to file a response to the motion and advising Inglesias that if he did not respond, the court would "assume that plaintiff has lost interest in the case, and/or that plaintiff agrees with what the defendant states in their responsive pleading(s)." The court further advised Inglesias that if he wished to continue with the case, it was "necessary that plaintiff respond in an appropriate fashion" and that if he failed to file some response within the time allotted, "the court may dismiss the case for failure to prosecute." Inglesias has filed no response.

Inasmuch as the time allotted has passed and Inglesias has not responded, it is hereby **ORDERED** that Inglesias's claims against defendants Clarke and Schilling are **DISMISSED without prejudice** for failure to prosecute; Clarke's and Schilling's motion to dismiss (Docket No. 16) is **DISMISSED without prejudice**; and the Clerk is directed to **TERMINATE** Clarke and Schilling as defendants to this action.

The Clerk is directed to send copies of this Order to the parties

ENTER: This 8th day of May, 2015.



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE